

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

BRUSHY BROOK DEVELOPMENT CO., LLC : BK No. 05-13009
Debtor Chapter 7

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ORDER

Heard on July 19, 2006, on the motion of the (formerly) Petitioning Creditors, who are requesting a declaratory judgment that the automatic stay in the recently filed Stone Ridge, Inc.¹ bankruptcy, BK No. 06-10590, should apply to a pending appeal in the Brushy Brook Development Company, LLC ("Brushy Brook") case. Based on the representations of the parties, it appears that Stone Ridge owns 100% of Brushy Brook's A Membership interest, i.e., Brushy Brook is the wholly owned subsidiary of Stone Ridge.

Upon consideration of the pleadings, the arguments, and basic Hornbook law, I decline to grant the relief requested. To begin with, this motion ought to have been in the Stone Ridge bankruptcy case. More importantly, however, there does not appear to be an actual case in controversy before the Court. All parties agree that no stay has been violated to date, and Brushy Brook represented at the hearing that it would not move forward on its appeal before seeking leave from this Court to do so. Accordingly, the Motion is DENIED.

Dated at Providence, Rhode Island, this 21st day of July, 2006.



Arthur N. Votolato
U.S. Bankruptcy Judge

Entered on docket: 7/21/2006

¹ Stone Ridge was initially filed as an involuntary case and the Order for Relief entered on July 14, 2006.